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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

BOB STUMP, CHAIRMAN

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SUSAN BITTER SMITH

IN THE MATTER OF THE FORMAL
COMPLAINT AGAINST MOHAVE
ELECTRIC COOPERATIVE, INC.
FILED BY ROGER AND DARLENE
CHANTEL.

DOCKET NO. E-01750A-09-0149

MOHAVE ELECTRIC COOPERATIVE,
INCORPORATED'S MOTION FOR
PROCEDURAL CONFERENCE

Mohave Electric Cooperative, Incorporated ("MEC") respectfully requests the Administrative Law Judge ("ALJ") enter a procedural order setting a date and time for oral argument on all pending motions. The ALJ's Procedural Order of September 23, 2013 provided, in part:

On September 16, 2013, the Chantels filed a Motion to Postpone Most of the Issues at the Hearing on September 25, 2013 ("Motion to Postpone") and a Motion to Hear Issues on the Emergency Notice of Action Submitted to Steven Olea of the Arizona Corporation Commission ("Motion to Hear Issues"). In their Motion to Postpone, the Complainants assert that the parties plan to conduct an inspection of MEC's lines along Highway 66 and request that most of the issues to be heard at the September 25, 2013 proceeding be postponed pending results of the inspection. Instead, in their Motion to Hear Issues, the Chantels request that the Emergency Notice of Action be heard on that day. In the interest of administrative efficiency, it is reasonable to vacate the September 25, 2013 procedural conference.

IT IS THEREFORE ORDERED that the September 25, 2013 procedural conference is hereby vacated.

MEC agrees the interest of administrative efficiency is furthered by hearing argument on all pending motions simultaneously. As explained in MEC's consolidated

1 response filed September 23, 2013, the issues raised in Complainants September 16, 2013
2 pleadings merely restate and reurge positions previously raised before the Arizona
3 Corporation Commission ("ACC") and in the civil action they brought in the Mohave County
4 Superior Court arising out of the same facts alleged in the ACC complaint. All issues have
5 been exhaustively examined by the courts. The Superior Court entered judgment for MEC
6 and against Complainants and the Court of Appeals affirmed the judgment on appeal. The
7 judgment and decision are now final and non-appealable.¹ Copies of the final judgment and
8 decision of the Court of Appeals are attached as Exhibits A and B to MEC's Motion to
9 Reconsider Motion to Dismiss.

10 This matter has now been pending since March 24, 2009. It was stayed 3 ½
11 years while Complainants pursued their civil action. The stay was lifted by Procedural Order
12 dated September 9, 2013. MEC has responded to all motions filed by Complainants.
13 Complainants have responded to MEC's Motion to Reconsider Motion to Dismiss. The time
14 for filing replies expired on or before October 7, 2013. It is time to resolve the pending
15 motions and MEC respectfully requests that a procedural order be entered setting a date and
16 time for oral argument.

17 The purpose for the Complainants' motion to postpone the procedural hearing
18 was for ACC Staff to conduct an inspection of certain MEC facilities. While, to date, Staff
19 has not participated in this proceeding, MEC is aware that Staff did inspect MEC facilities
20 along Highway 66 and on the Complainants property on September 18, 2013. MEC has
21 previously submitted documentation to the ACC and the courts indicating its facilities meet
22 applicable industry standards. MEC has received nothing from Staff during or following the
23 September 18, 2013 inspection indicating otherwise.

24
25 ¹ The Complainants had also filed an informal complaint with the ACC and an earlier lawsuit in Mohave
County Superior Court for a writ of mandamus on the same issues, both of which were also resolved adverse
to Complainants.

1 If the ALJ believes that a report from Staff regarding its inspection would be
2 beneficial, then the ALJ should consider inviting Staff to file a brief report on Staff's
3 September 18, 2013 inspection of the MEC poles at least five (5) business days before the
4 time set for the procedural conference.

5 DATED this 8th day of October, 2013.

6 CURTIS, GOODWIN, SULLIVAN,
7 UDALL & SCHWAB, P.L.C.

8 By: 

9 Michael A. Curtis
10 Larry K. Udall
11 501 East Thomas Road
12 Phoenix, Arizona 85012-3205
13 Attorneys for Mohave Electric
14 Cooperative, Incorporated

15 PROOF AND CERTIFICATE OF MAILING

16 I hereby certify that on this 8th day of October, 2013, I caused the foregoing
17 document to be served on the Arizona Corporation Commission by delivering the original
18 and thirteen (13) copies of the above to:

19 Docket Control
20 Arizona Corporation Commission
21 1200 West Washington
22 Phoenix, Arizona 85007

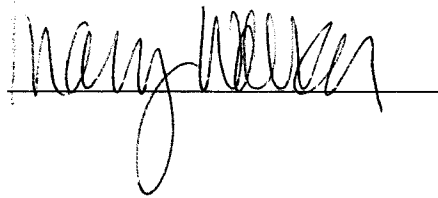
23 COPY of the foregoing hand-delivered
24 this 8th day of October, 2013 to:

25 Belinda A. Martin, Administrative Law Judge
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

1 Janice Alward, Legal Division
2 Arizona Corporation Commission
3 1200 West Washington
4 Phoenix, Arizona 85007

5 COPY of the foregoing mailed and e-mailed
6 this 8th day of October, 2013 to:

7 Roger and Darlene Chantel
8 10001 E. Highway 66
9 Kingman, Arizona 86401

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